

## II. REMARKS

It is believed that the amendment adds no new matter.

Claims 1-27 have been rejected pursuant to 35 U.S.C. Sec. 102. The Examiner contends, among other things, that Mellgren discloses the claimed "courier computer shipping apparatus (central computer system 106) (col. 3, lines 58-62)"; and that "Mellgren discloses the claimed "signals corresponding to a waybill."

In response, the rejection and contentions are respectfully traversed. The rejection is defective under 35 U.S.C. Sec. 102 because neither claim requirement is disclosed, especially in combination.

More particularly, claims 1, 11, and 21 require:

assigning shipping information signals corresponding to a waybill for a particular shipment with a **courier** computer....

The cited art does not disclose a **courier**, let alone a **courier computer**, and more so, any method using a **courier computer**. Thus there is no statutory anticipation.

The Examiner's contention cannot be correct that Mellgren discloses the claimed "courier computer shipping apparatus (central computer system 106) (col. 3, lines 58-62)" because the contention accords no meaning to the bolded claim requirement of a **courier computer**. That is, in rejecting the claims based on a disclosure of a computer that is not the claimed **courier computer**, the Examiner has read this explicit claim requirement out of the claims. This is impermissible in a statutory anticipation rejection. The applied art fails to disclose an explicit claim requirement, namely the a **courier computer** or any method involving a **courier computer**, and thus statutory anticipation has not been shown.

The Examiners attention is respectfully drawn to the PTO "Examination Guideline on Computer-Related Inventions," wherein the first step in proper examination is to "Determine

What Applicant Has Invented and Is Seeking to Patent." Following the PTO Guideline to determine what the Applicant has invented, the Examiner's attention is next drawn to Fig. 1, "Courier Shipping System 41," and then to the specification which discusses System 41: "Federal Express and UPS computer operations are representative of such systems." (See specification at page 10, lines 23-24). Examination carried out in accordance with the PTO Guideline, which in turn reflects statutory requirements, reinforces the conclusion that the rejection pursuant to Sec. 102 is defective because Mellgren does not disclose the claimed courier computer.

In the absence of a prior art disclosure of the claimed courier computer, the remaining Examiner contentions, e.g., reliance on a dictionary, are moot. However, there is at least one other reason that statutory anticipation has not been shown for the claim requirement of assigning shipping information signals corresponding to a waybill for a particular shipment with a courier computer....

The Examiner relies on a 1984 Webster's dictionary definition of "waybill" and states that, "per this definition, Mellgren reads the waybill." Respectfully, one having ordinary skill in the art would know that a Webster's Dictionary is not determinative of the meaning of the term in the relevant art of the patent application. In shipping as claimed, using the claimed courier computer (as illustrated by a Federal Express or UPS system), one having ordinary skill in the art would know that a waybill is a term of art with legal significance. One having ordinary skill in the art would see Fig. 2 (which shows a Federal Express waybill) and the discussion of the waybill (e.g., specification at page 70, number 5, and page 71, etc.) and would know to look to the Warsaw Convention as amended. Least there be any doubt, such a person would see the Federal Express waybill in Fig. 2 and would know that the Federal Express terms and

conditions of carriage follow the Warsaw Convention, as amended. See, e.g.,  
<http://www.fedex.com/us/services/express/termsandconditions/intl/warsaw.html>

Carriage Under Warsaw Convention

- A. As used in the FedEx Express terms and conditions, "Warsaw Convention" or "Convention" means the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw, Oct. 12, 1929, or that convention as amended...

The Warsaw Convention provides a discussion of waybills at Article 6. Accordingly, one having ordinary skill in the art would recognize that Mellgran does not even disclose a courier, let alone a courier computer, or any method of using a courier computer, and Mellgren does not disclose a waybill as the term is used in the relevant art, and especially as claimed in connection with a courier computer.

In any case, Mellgren does not disclose a courier, a courier computer, assigning shipping information signals corresponding to a waybill, or the method step of assigning shipping information signals corresponding to a waybill for a particular shipment with a courier computer... . Thus, the requirements for statutory anticipation have not been met, and the Sec. 102 rejection is defective.

Claims 25-27 have been rejected for similar reasons. In response, the above-discussed traversal is applied for analogous reasons.

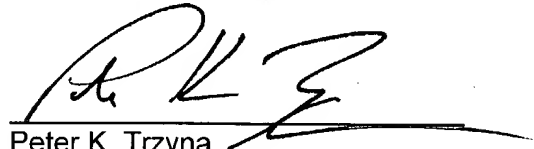
Respectfully, the application is believed to be in condition for allowance, and favorable action is requested. If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

**APPLICANT CLAIMS SMALL ENTITY STATUS.** The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to

said office action, this shall be deemed a petition therefore. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

Date: June 30, 2004

  
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